

COMPARATIVE ANALYSIS OF PROPOSED AMENDED NEW SOURCE REVIEW RULES 20.1, 20.2, 20.3, 20.4 and 20.6

Introduction

Prior to adopting, amending, or repealing a rule or regulation, California Health and Safety Code Section 40727 requires findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined therein. Furthermore, as part of the consistency finding and to ensure proposed rule requirements do not conflict with or contradict other Air Pollution Control District (District) or federal regulations, Health and Safety Code Section 40727.2(a) requires the District to perform a written analysis identifying and comparing the air pollution control standards and other provisions of proposed amended New Source Review (NSR) Rules 20.1, 20.2, 20.3, 20.4 and 20.6 with other existing or proposed District rules and guidelines, and with existing State and federal rules, requirements, and guidelines applying to the same categories of emission sources.

Analysis

Proposed amended NSR Rules 20.1, 20.2, 20.3, 20.4 and 20.6 apply to all types of air contaminant emitting stationary sources for which a new or modified District permit is required. The rules implement State and federal laws and regulations requiring air pollution control districts to adopt rules that require new, modified, replacement and relocated emission units and stationary sources emitting specified air contaminants to be constructed using Best Available Control Technology and to not emit air contaminants that will interfere with the attainment or maintenance of national and State ambient air quality standards. In addition, the District NSR rules must, under federal law, require that new major stationary sources of specified air contaminants, and major modifications of such major stationary sources, use Lowest Achievable Emission Rate technologies, mitigate by offsetting emission reductions, and not adversely impact visibility in federally designated Class I areas. Federal and State laws also require that the public and certain specified agencies be notified of proposed permit actions for sources evaluated under provisions of the NSR rules and be provided an opportunity to comment.

Comparison with Existing District Rules and Regulations

There are no existing District source-specific or other rules that contradict with proposed amended NSR Rules 20.1, 20.2, 20.3, 20.4 and 20.6. Other District rules specify emission limitations for air contaminant emissions for existing stationary emission sources and, typically, the same emission limitations for new, modified, relocated and replacement sources. The proposed amended NSR rules apply emission limits that require more advanced emission controls for new, modified, relocated and replacement emission sources than other District rules. It is more practical and cost-effective to apply more advanced emission controls in the design of new and modified facilities rather than to retrofit existing facilities. For certain size and types of sources, the level of emission controls required under other District rules and under the proposed amended NSR rules are the same. Other District rules do not require air quality impact analyses, visibility impact analyses, nor public notice and comment opportunities for existing permitted

facilities that are not being modified, expanded, relocated or replaced, except as may be required by State or federal law for other program purposes. Other District rules do not require offsetting emission reductions as do the NSR rules for large sources.

Comparison with State and Federal Regulations

State and federal laws typically do not apply new source review requirements directly to regulated sources but instead specify requirements that local air district rules must impose. Therefore, the proposed amended NSR rules will not be in conflict with State and federal requirements. The proposed amended rules are designed to implement applicable State and federal new source review requirements and, for the majority of the rules, will not become effective until the rules are approved by the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (EPA). This ensures that the rules do not conflict with applicable State and federal requirements.

It should be noted that EPA regulations (40 CFR Part 51, Appendix S) specify minimum new source review requirements that must be met by new and modified major stationary sources. However, these requirements apply only in the absence of an EPA-approved state or local air district program that implements federal requirements. If adopted, the proposed amended NSR rules will be submitted to the CARB and EPA for approval. Once approved by EPA, the District's amended NSR rules will take the place of the EPA requirements in 40 CFR Part 51, Appendix S.